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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) No. CR. S-04-0352 MCE
12 Plaintiff,)
13 v.) **AMENDED STIPULATION AND ORDER
14 ANTHONY A. VALLIER,) MODIFYING BRIEFING AND HEARING
15 Defendant.) SCHEDULE
16 _____) Date: October 11, 2005
17) Time: 8:30 a.m.
18) Judge: Hon. Morrison C. England Jr.**

19 IT IS HEREBY STIPULATED AND AGREED between plaintiff, United States
20 of America, and defendant, Anthony Vallier, through their attorneys, that
21 the schedule for briefing and hearing on a motion to suppress evidence
22 may be amended as follows:

23 1. The government's opposition to defendant's shall be filed by
24 October 11, 2005; Mr. Vallier may file a reply by October 18, 2005;

25 2. Hearing on the motion shall be continued from October 11 to
26 October 25, 2005, at 8:30 a.m. Should it be necessary to hear evidence
27 in order to decide the motion, an evidentiary hearing may be scheduled at
28 a later date and time.

The parties recognize that time under the Speedy Trial Act continues to be automatically excluded while the motion is pending.

Respectfully submitted,

QUIN DENVER
Federal Defender

Dated: September 30, 2005

/s/ T. Zindel
TIMOTHY ZINDEL
Assistant Federal Defender
Attorney for ANTHONY A. VALLIER

McGREGOR SCOTT
United States Attorney

Dated: September 30, 2005

/s/ M. Stegman
MATT STEGMAN
Assistant U.S. Attorney

O R D E R

The modified briefing schedule is adopted and the hearing is continued to October 25, 2005, at 8:30 a.m.

IT IS SO ORDERED.

Dated: October 6, 2005


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE